

IN THE UNITED STATES PATENT AND TRADEMAR OFFICE

Applicant: Thomas W. Schrimsher SR.
Appliation No.: 10/772,046
Filed: 02/04/2004
Title: SEATING FOR AUTMOTIVE VEHICLES
Group/Art Unit: 3636
Examiner: Edell, Joseph F.
Attorney Docket No.: 228-002.001 Shrock

Mail Stop Non-Fee Amendment
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Please amend claims 1 and 12 in accordance with the accompanying claim amendment sheet.

RESPONSE

The examiner has made certain objections to the terminology of the claims. Claim 1 has been amended to indicate on line 12 that said support is "fixed," although it is believed that such an amendment is not necessary since there is only one support claimed in claim 1.

The objections as to the use of "substantially flat horizontal sleep surface" used in claims 2 and 9 is not believed to be well founded. The applicant intends for the sleeping surface to be substantially flat and horizontal, and thus it is believed that the way the sleeping surface is described is entirely definite.

Claims 1, 4-6 and 12-14 stand rejected under 35 USC Sec. 102(b) as being anticipated by Dawson. Reconsideration of this rejection is respectfully requested in light of the amendments to claims 1 and 12 and the following argument.

In Dawson, the seat is moved from an upright to its collapsed position by the rotation of the back of the seat parallel to the supporting wall. Stated otherwise, the plane of movement of the seat part with respect to its back part is parallel to the supporting wall. The same is said for the Carte reference.

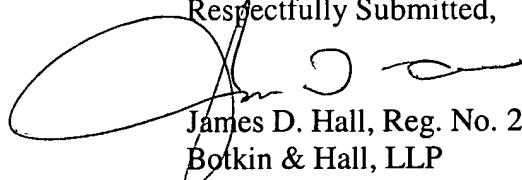
Claim 1 as originally written calls for a seat frame and a back frame “each moveably mounted on said main supporting member.” In the Dawson reference, only the back frame is moveable on its main supporting member. The seat frame is fixed relative to the supporting member. As such, Dawson will not anticipate the claims of the subject application.

To further distinguish Claims 1 and 12 are from the references cited of record, the claims have been amended to indicate that the seat frame and the back frame are moveable “toward and away from” the wall. In this manner, the seat may be used as a sofa or bed and yet stored against the adjacent wall from which it extends. In both the Dawson and the Carte references, the pivotal storage movement of the seat is transverse to the seating or laying position.

Claims 2, 3, 7-11 and 15-17 stand rejected under 35 USC Sec. 103(a) as being unpatentable over Dawson in view of Carte. The arguments advanced as to the allowability of claims 1 and 12 apply equally to the aforementioned dependent claims. Further, the linkage system in Carte extends below the supporting frame and is anchored to the floor with the frame being pivoted upwardly. In Dawson, the linkage is raised and extends above the floor with the frame being pivoted downwardly. How Dawson can accommodate the support frame of Carte which is pivoted to the seat frame is not apparent.

In summary, it is submitted that all claims of the subject application as presently amended are allowable over the prior art cited of record.

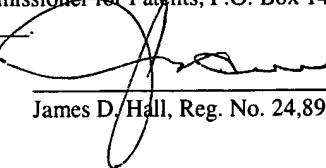
Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Honorable Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on 1 Nov. 04


James D. Hall, Reg. No. 24,893